

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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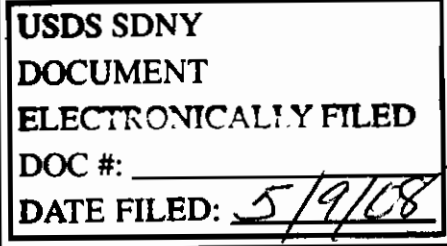
ANDREW M. CUOMO
Attorney General

CRIMINAL DIVISION
Federal Habeas Corpus Section

May 8, 2008

BY HAND

Honorable James C. Francis IV
United States Magistrate Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1960
New York, New York 10007-1312



Re: Nathaniel Gurley v. John B. Lempke
07-CV-10942 (LTS) (JCF)

Your Honor:

I am an Assistant Attorney General in the office of Andrew M. Cuomo, Attorney General of the State of New York, attorney for respondent in the above-referenced habeas corpus petition. This case was reassigned to me after Assistant Attorney General Fred Wen left the habeas corpus unit. I am aware that an extension was previously granted on this petition.

With the departure of Mr. Wen my unit is temporarily short staffed. Accordingly, I am currently extremely backlogged in my casework. I am presently assigned to respond to five additional habeas corpus petitions in May and six in June. I am also assigned to respond to a People's appeal that is due on June 3, 2008. Additionally, I am preparing for an evidentiary hearing scheduled for May 20, 2008. While I genuinely apologize for the delay, I am respectfully requesting an additional two week extension, until May 27, 2008 to file my response. Your consideration in this matter would be greatly appreciated. I have not contacted petitioner concerning this request as he is proceeding *pro se* and is incarcerated.

Respectfully submitted,

Leilani Rodriguez
Leilani Rodriguez (LR0743)
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5/9/08
Application denied.
see Order dated March 4,
2008 indicating no
further extensions.

SO ORDERED.
James C. Francis IV
USMJ

03-A-4589

Five Points Correctional Facility

State Route 96

P.O. Box 119

Romulus, NY 14541